

RECEIVED
CENTRAL FAX CENTER
APR 28 2008

LAW OFFICE OF
Charles W. Bethards, LLP
P.O. Box 1622
Colleyville, Texas 76034

Telephone No. 817-581-7005
Cell Phone No. 817-999-4784

Fax No. 817-281-7136
Bethards@bethardslaw.com

FACSIMILE TRANSMISSION

Date: April 28, 2008

Pages: 4 w. cover

To: Examiner Joseph E. Avellino

From: Charles W. Bethards

Company: USPTO, Art Unit 2143

Fax No.: 571-273-8300

Subject: Response to January 28, 2008 Office Action: App. Serial No. 10/045,724

- PTO form SB/31 Notice of Appeal
- Comments re: Notice (2 pages)

Applicant(s): Huddleston, et al Serial No.: 10/045,724 Filed: October 26, 2001 Title: METHOD AND APPARATUS FOR BROKERING OF CONTROL INSTRUCTIONS FOR AN INTELLIGENT DEVICE	Atty. Dkt.: PF02200NA/10-31 Group Art Unit: 2143 Examiner: Joseph E. Avellino
<p>CERTIFICATE OF FACSIMILE TRANSMISSION under 37 CFR 1.8</p> <p>I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 571-273-8300 on April 28, 2008 to the attention of Examiner Joseph E. Avellino of AU 2143.</p> <p>Typed Name: Charles W. Bethards Signature: <u>Charles W. Bethards</u></p>	

The information contained in this facsimile transmission is intended only for the above-indicated addressee, and may contain privileged and confidential attorney work product or trade secret information. Any dissemination, distribution or copying of any part of this transmission is strictly prohibited. If you have received this transmission in error, please immediately notify the sender, and return the transmission to the sender at the above-indicated address.

APR 28 2008

PTO/SB/31 (01-08)

Approved for use through 04/30/2008. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional)

PF02200NA/10-31

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on April 28, 2008

Signature Charles W. BethardsTyped or printed name Charles W. BethardsIn re Application of
Huddleston et al.Application Number
10/045,724 Filed
10/26/2001For METHOD AND APPARATUS FOR...Art Unit
2143 Examiner
Joseph E. Avellino

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) No Fee Required \$ 0.00

A Notice Of Appeal fee was paid on 11/7/05 (Explanation Attached)

Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____

A check in the amount of the fee is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-3435. I have enclosed a duplicate copy of this sheet.

A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

applicant/inventor.

assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

attorney or agent of record.
Registration number 36,453

attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34. _____

Charles W. Bethards
SignatureCharles W. Bethards
Typed or printed name817-581-7005
Telephone numberApril 28, 2008
DateNOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below. *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED
CENTRAL FAX CENTER
APR 28 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/045,724
Applicants: Huddleston et al
Filed: October 26, 2001
TC/A.U.: 2143
Examiner: Avellino, Joseph E
Docket No.: PF02200NA/10-31
Customer No.: 51874

Confirmation No. 9665

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 571-273-8300 On April 28, 2008 to the attention of Examiner Joseph E Avellino of AU 2143	
Typed Name: Charles W. Bethards	
Signature: <u>Charles W. Bethards</u>	

NOTICE OF APPEAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the January 28, 2008 Office Action a Notice of Appeal is hereby submitted.

Applicant respectfully submits that the Notice of Appeal fee has already been paid and thus such fees are not due or payable at this time.

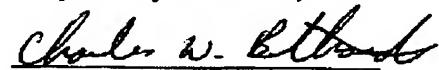
On November 7, 2005 a Notice of Appeal and Request for Panel Review was submitted together with the appropriate fees. Responsive to the Notice of Appeal and Request for Panel Review, prosecution was reopened. No action was ever taken by the Board of Appeals. Since no

Appl. No. 10/045,724
Response dated April 28, 2008
Reply to Office Action of January 28, 2008

final action was taken by the Board of Appeals on the previous Notice of Appeal, it is believed that a Notice of Appeal fee is not due or payable at this time.

This Notice of Appeal is being timely filed within the allowed 3 month time period and no other fees appear to be due or payable; however, the Commissioner is hereby authorized to charge any fees that may be required or credit any overpayments to Deposit Account No. 50-3435.

Respectfully submitted,



Charles W. Bethards
Reg. No. 36,453

Law Office of Charles W. Bethards, LLP
P.O. Box 1622
Colleyville, Texas 76034
Phone (817) 581-7005
Fax (817) 281-7136
Customer No. 51874